

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ELECTRONIC PRIVACY INFORMATION
CENTER, *et al.*,

Plaintiffs,

v.

U.S. OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

No. 1:25-cv-0255 (RDA/WBP)

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Defendants U.S. Office of Personnel Management; Charles Ezell, in his official capacity as Acting Director of OPM; OPM DOGE Team; U.S. Department of the Treasury; Scott Bessent, in his official capacity as Secretary of the Treasury; Treasury DOGE Team; U.S. Digital Service, also known as the U.S. DOGE Service; U.S. DOGE Service Temporary Organization; Amy Gleason, in her official capacity as Acting Administrator of USDS and USDSTO; Elon Musk, in his official capacity as Senior Advisor to the President in the Executive Office of the President; Steve Davis, in his official capacity as Senior Advisor to the USDS; General Services Administration; and Stephen Ehikian, in his official capacity as Acting Administrator of GSA, by counsel, move this Court for an Order dismissing plaintiffs Electronic Privacy Information Center and Doe 1's Amended Complaint (ECF No. 51) under Federal Rules of Civil Procedure 12(b)(1), for lack of subject matter jurisdiction and, in the alternative, under Rule 12(b)(6) for failure to state a claim upon which relief may be granted. In support of this motion, defendants refer the Court to their Memorandum of Law in Support of this motion.

WHEREFORE, defendants, by counsel and under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court issue an order dismissing the Amended Complaint for lack of subject matter jurisdiction and, in the alternative, for failure to state a claim upon which relief may be granted and for such other relief as the Court deems just and proper.

Dated: June 3, 2025

Respectfully submitted,

ERIK S. SIEBERT
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